
SENATE BILL 6478

State of Washington 59th Legislature 2006 Regular Session

By Senators Regala, Hargrove, McAuliffe, Keiser and Rasmussen

Read first time 01/12/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to protection of sexual assault victims; amending
2 RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.035, 26.50.110,
3 59.18.575, and 10.31.100; reenacting and amending RCW 9.41.300 and
4 26.50.160; adding a new chapter to Title 7 RCW; creating new sections;
5 and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** Sexual assault is the most heinous crime
8 against another person short of murder. Sexual assault inflicts
9 humiliation, degradation, and terror on victims. According to the FBI,
10 a woman is raped every six minutes in the United States. Rape is
11 recognized as the most underreported crime; estimates suggest that only
12 one in seven rapes is reported to authorities. Victims who do not
13 report the crime still desire safety and protection from future
14 interactions with the offender. Some cases in which the rape is
15 reported are not prosecuted. In these situations, the victim should be
16 able to seek a civil remedy requiring that the offender stay away from
17 the victim.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Nonconsensual" means a lack of freely given agreement.

4 (2) "Petitioner" means any named petitioner for the sexual assault
5 protection order or any named victim of nonconsensual sexual conduct or
6 nonconsensual sexual penetration on whose behalf the petition is
7 brought.

8 (3) "Sexual assault protection order" means an ex parte temporary
9 order or a final order granted under this chapter, which includes a
10 remedy authorized by section 10 of this act.

11 (4) "Sexual conduct" means any intentional or knowing touching or
12 fondling by the petitioner or the respondent, either directly or
13 through clothing, of the sex organs, anus, or breast of the petitioner
14 or the respondent, or any part of the body of a child under thirteen
15 years of age, or any transfer or transmission of semen by the
16 respondent upon any part of the clothed or unclothed body of the
17 petitioner, for the purpose of sexual gratification or arousal of the
18 petitioner or the respondent.

19 (5) "Sexual penetration" means any contact, however slight, between
20 the sex organ or anus of one person by an object, the sex organ, mouth,
21 or anus of another person, or any intrusion, however slight, of any
22 part of the body of one person or of any animal or object into the sex
23 organ or anus of another person, including but not limited to
24 cunnilingus, fellatio, or anal penetration. Evidence of emission of
25 semen is not required to prove sexual penetration.

26 (6) "Stay away" means to refrain from both physical presence and
27 nonphysical contact with the petitioner directly, indirectly, or
28 through third parties who may or may not know of the order.
29 "Nonphysical contact" includes, but is not limited to, telephone calls,
30 mail, e-mail, fax, and written notes.

31 NEW SECTION. **Sec. 3.** A petition for a sexual assault protection
32 order may be filed by a person:

33 (1) Who is a victim of nonconsensual sexual conduct or
34 nonconsensual sexual penetration, including a single incident of
35 nonconsensual sexual conduct or nonconsensual sexual penetration; or

36 (2) On behalf of any of the following persons who is a victim of
37 nonconsensual sexual conduct or nonconsensual sexual penetration:

- 1 (a) A minor child;
- 2 (b) A vulnerable adult as defined in RCW 74.34.020; or
- 3 (c) Any other adult who, because of age, disability, health, or
- 4 inaccessibility, cannot file the petition.

5 NEW SECTION. **Sec. 4.** (1) Any person may seek relief under this
6 chapter by filing a petition with a court alleging that the person has
7 been the victim of nonconsensual sexual conduct or nonconsensual sexual
8 penetration committed by the respondent.

9 (2) A person under eighteen years of age who is sixteen years of
10 age or older may seek relief under this chapter and is not required to
11 seek relief by a guardian or next friend.

12 (3) No guardian or guardian ad litem need be appointed on behalf of
13 a respondent to an action under this chapter who is under eighteen
14 years of age if such respondent is sixteen years of age or older.

15 (4) The court may, if it deems necessary, appoint a guardian ad
16 litem for a petitioner or respondent who is a party to an action under
17 this chapter.

18 (5) An action under this chapter shall be filed in the county or
19 the municipality where the petitioner resides.

20 NEW SECTION. **Sec. 5.** There shall exist an action known as a
21 petition for a sexual assault protection order.

22 (1) A petition for relief shall allege the existence of
23 nonconsensual sexual conduct or nonconsensual sexual penetration, and
24 shall be accompanied by an affidavit made under oath stating the
25 specific facts and circumstances from which relief is sought.
26 Petitioner and respondent shall disclose the existence of any other
27 litigation or of any other restraining, protection, or no-contact
28 orders between the parties.

29 (2) A petition for relief may be made regardless of whether or not
30 there is a pending lawsuit, complaint, petition, or other action
31 between the parties.

32 (3) Within ninety days of receipt of the master copy from the
33 administrative office of the courts, all court clerk's offices shall
34 make available the standardized forms, instructions, and informational
35 brochures required by RCW 26.50.035 and shall fill in and keep current
36 specific program names and telephone numbers for community resources.

1 Any assistance or information provided by clerks under this section
2 does not constitute the practice of law and clerks are not responsible
3 for incorrect information contained in a petition.

4 (4) No filing fee may be charged for proceedings under this
5 chapter. Forms and instructional brochures and the necessary number of
6 certified copies shall be provided free of charge.

7 (5) A person is not required to post a bond to obtain relief in any
8 proceeding under this section.

9 (6) If the petition states that disclosure of the petitioner's
10 address would risk abuse of the petitioner or any member of the
11 petitioner's family or household, that address may be omitted from all
12 documents filed with the court. If the petitioner has not disclosed an
13 address under this subsection, the petitioner shall designate an
14 alternative address at which the respondent may serve notice of any
15 motions.

16 NEW SECTION. **Sec. 6.** Upon receipt of the petition, the court
17 shall order a hearing which shall be held not later than fourteen days
18 from the date of the order. The court may schedule a hearing by
19 telephone pursuant to local court rule, to reasonably accommodate a
20 disability, or in exceptional circumstances to protect a petitioner
21 from further nonconsensual sexual conduct or nonconsensual sexual
22 penetration. The court shall require assurances of the petitioner's
23 identity before conducting a telephonic hearing. Except as provided in
24 section 11 of this act, personal service shall be made upon the
25 respondent not less than five court days prior to the hearing. If
26 timely personal service cannot be made, the court shall set a new
27 hearing date and shall either require additional attempts at obtaining
28 personal service or permit service by publication or service by mail
29 under section 14 of this act. If the court permits service by
30 publication or by mail, the court shall set the hearing date not later
31 than twenty-four days from the date of the order. The court may issue
32 an ex parte temporary sexual assault order pending the hearing as
33 provided in section 11 of this act.

34 NEW SECTION. **Sec. 7.** Sexual assault advocates, as defined in RCW
35 5.60.060, shall be allowed to accompany the victim and confer with the
36 victim, unless otherwise directed by the court. Court administrators

1 shall allow sexual assault advocates to assist victims of nonconsensual
2 sexual conduct or nonconsensual sexual penetration in the preparation
3 of petitions for sexual assault protection orders. Sexual assault
4 advocates are not engaged in the unauthorized practice of law when
5 providing assistance of the types specified in this section.
6 Communications between the petitioner and a sexual assault advocate are
7 protected as provided by RCW 5.60.060.

8 NEW SECTION. **Sec. 8.** The court may appoint counsel to represent
9 the petitioner if the respondent is represented by counsel.

10 NEW SECTION. **Sec. 9.** (1) In proceedings for a sexual assault
11 protection order and prosecutions for violating a sexual assault
12 protection order, the prior sexual activity or the reputation of the
13 petitioner is inadmissible except:

14 (a) As evidence concerning the past sexual conduct of the
15 petitioner with the respondent when this evidence is offered by the
16 respondent upon the issue of whether the petitioner consented to the
17 sexual conduct with respect to which the offense is alleged; or

18 (b) When constitutionally required to be admitted.

19 (2) No evidence admissible under this section may be introduced
20 unless ruled admissible by the court after an offer of proof has been
21 made at a hearing held in camera to determine whether the respondent
22 has evidence to impeach the witness in the event that prior sexual
23 activity with the respondent is denied. The offer of proof shall
24 include reasonably specific information as to the date, time, and place
25 of the past sexual conduct between the petitioner and the respondent.
26 Unless the court finds that reasonably specific information as to date,
27 time, or place, or some combination thereof, has been offered as to
28 prior sexual activity with the respondent, counsel for the respondent
29 shall be ordered to refrain from inquiring into prior sexual activity
30 between the petitioner and the respondent. The court may not admit
31 evidence under this section unless it determines at the hearing that
32 the evidence is relevant and the probative value of the evidence
33 outweighs the danger of unfair prejudice. The evidence shall be
34 admissible at trial to the extent an order made by the court specifies
35 the evidence that may be admitted and areas with respect to which the
36 petitioner may be examined or cross-examined.

1 NEW SECTION. **Sec. 10.** (1) If the court finds by a preponderance
2 of the evidence that the petitioner has been a victim of nonconsensual
3 sexual conduct or nonconsensual sexual penetration by the respondent,
4 a sexual assault protection order shall issue; provided that the
5 petitioner must also satisfy the requirements of section 11 of this act
6 for ex parte temporary orders or section 12 of this act for final
7 orders. The petitioner shall not be denied a sexual assault protection
8 order because the petitioner or the respondent is a minor or because
9 the petitioner did not report the assault to law enforcement. The
10 court, when determining whether or not to issue a sexual assault
11 protection order, may not require proof of physical injury on the
12 person of the victim or proof that the petitioner has reported the
13 sexual assault to law enforcement. Modification and extension of prior
14 sexual assault protection orders shall be in accordance with this
15 chapter.

16 (2) A sexual assault protection order shall provide the following
17 relief:

18 (a) Order the respondent to stay away from the petitioner; and

19 (b) Any other injunctive relief as necessary or appropriate.

20 (3) Denial of a remedy may not be based, in whole or in part, on
21 evidence that:

22 (a) The respondent has cause for any use of force, unless that
23 cause satisfies the standards for justifiable use of force provided by
24 RCW 9A.16.020;

25 (b) The respondent was voluntarily intoxicated;

26 (c) The petitioner acted in self-defense or defense of another,
27 provided that, if the petitioner utilized force, such force was
28 justifiable under RCW 9A.16.020;

29 (d) The petitioner did not act in self-defense or defense of
30 another;

31 (e) The petitioner left the residence or household to avoid further
32 nonconsensual sexual conduct or nonconsensual sexual penetration by the
33 respondent; or

34 (f) The petitioner did not leave the residence or household to
35 avoid further nonconsensual sexual conduct or nonconsensual sexual
36 penetration by the respondent.

37 (4) Monetary damages are not recoverable as a remedy.

1 NEW SECTION. **Sec. 11.** (1)(a) An ex parte temporary sexual assault
2 protection order shall issue if the petitioner satisfies the
3 requirements of this subsection by a preponderance of the evidence.
4 The petitioner shall establish that:

5 (i) The requirements of section 10 of this act are satisfied; and

6 (ii) There is good cause to grant the remedy, regardless of prior
7 service of process or of notice upon the respondent, because the harm
8 which that remedy is intended to prevent would be likely to occur if
9 the respondent were given any prior notice, or greater notice than was
10 actually given, of the petitioner's efforts to obtain judicial relief.

11 (b) An ex parte temporary sexual assault protection order shall be
12 issued by the court if it appears from the contents of the petition and
13 the examination of the petitioner that the averments are sufficient to
14 indicate nonconsensual sexual conduct or nonconsensual sexual
15 penetration by the respondent and to support the granting of relief
16 under the issuance of the sexual assault protection order.

17 (2) If the respondent appears in court for this hearing for an ex
18 parte temporary order, he or she may elect to file a general appearance
19 and testify. Any resulting order may be an ex parte temporary order,
20 governed by this section.

21 NEW SECTION. **Sec. 12.** (1)(a) An ex parte temporary sexual assault
22 protection order shall be effective for a fixed period not to exceed
23 fourteen days or twenty-four days if the court has permitted service by
24 publication or by mail. A full hearing, as provided in this chapter,
25 shall be set for not later than fourteen days from the issuance of the
26 temporary order or not later than twenty-four days if service by
27 publication or by mail is permitted under section 14 of this act.
28 Except as provided in section 6 or 14 of this act, the respondent shall
29 be personally served with a copy of the ex parte temporary sexual
30 assault protection order along with a copy of the petition and notice
31 of the date set for the hearing.

32 (b) Any ex parte temporary order issued under this section shall
33 contain the date and time of issuance and the expiration date and shall
34 be entered into a statewide judicial information system by the clerk of
35 the court within one judicial day after issuance.

36 (c) If the court declines to issue an ex parte temporary sexual

1 assault protection order the court shall state the particular reasons
2 for the court's denial. The court's denial of a motion for an ex parte
3 order shall be filed with the court.

4 (2) Except as otherwise provided in this section, a final sexual
5 assault protection order shall be effective for a fixed period of time,
6 not to exceed two years. A final sexual assault protection order
7 entered in conjunction with a criminal prosecution shall remain in
8 effect as follows:

9 (a) If entered during pretrial release, until disposition,
10 withdrawal, or dismissal of the underlying charge; if however, the case
11 is continued as an independent cause of action, the order's duration
12 may be for a fixed period of time not to exceed two years;

13 (b) If in effect in conjunction with a bond forfeiture warrant,
14 until final disposition or an additional period of time not exceeding
15 two years;

16 no sexual assault protection order, however, shall be terminated by a
17 dismissal that is accompanied by the issuance of a bond forfeiture
18 warrant;

19 (c) Until expiration of any community supervision, conditional
20 release, probation, or parole and for an additional period of time
21 thereafter not exceeding two years; or

22 (d) Until the date set by the court for expiration of any sentence
23 of imprisonment and subsequent parole or mandatory supervised release
24 and for an additional period of time thereafter not exceeding two
25 years.

26 (3) Any ex parte temporary or final sexual assault protection order
27 may be extended one or more times, as required. If the motion for
28 extension is uncontested and the petitioner seeks no modification of
29 the order, the order may be extended on the basis of the petitioner's
30 motion or affidavit stating that there has been no material change in
31 relevant circumstances since entry of the order and stating the reason
32 for the requested extension. Extensions may be granted only in open
33 court.

34 (4) Any sexual assault protection order which would expire on a
35 court holiday shall instead expire at the close of the next court
36 business day.

37 (5) The practice of dismissing or suspending a criminal prosecution

1 in exchange for the issuance of a sexual assault protection order
2 undermines the purposes of this chapter. This section shall not be
3 construed as encouraging that practice.

4 NEW SECTION. **Sec. 13.** (1) Any sexual assault protection order
5 shall describe each remedy granted by the court, in reasonable detail
6 and not by reference to any other document, so that the respondent may
7 clearly understand what he or she must do or refrain from doing.

8 (2) A sexual assault protection order shall further state the
9 following:

10 (a) The name of each petitioner that the court finds was the victim
11 of nonconsensual sexual conduct or nonconsensual sexual penetration by
12 the respondent;

13 (b) The date and time the sexual assault protection order was
14 issued, whether it is an ex parte temporary or final order, and the
15 duration of the order;

16 (c) The date, time, and place for any scheduled hearing for
17 extension of that sexual assault protection order or for another order
18 of greater duration or scope;

19 (d) For each remedy in an ex parte temporary sexual assault
20 protection order, the reason for entering that remedy without prior
21 notice to the respondent or greater notice than was actually given;

22 (e) For ex parte temporary sexual assault protection orders, that
23 the respondent may petition the court, to reopen the order if he or she
24 did not receive actual prior notice of the hearing and if the
25 respondent alleges that he or she had a meritorious defense to the
26 order or that the order or its remedy is not authorized by this
27 chapter.

28 (3) A sexual assault protection order shall include the following
29 notice, printed in conspicuous type: "Any knowing violation of a
30 sexual assault protection order is a gross misdemeanor. Any second or
31 subsequent violation is a class C felony."

32 NEW SECTION. **Sec. 14.** (1)(a) If the respondent was not personally
33 served with the petition, notice of hearing, and ex parte order before
34 the hearing, the court shall reset the hearing for not later than
35 twenty-four days from the date of entry of the order and may order

1 service by publication instead of personal service under the following
2 circumstances:

3 (i) The sheriff or municipal officer files an affidavit stating
4 that the officer was unable to complete personal service upon the
5 respondent. The affidavit must describe the number and types of
6 attempts the officer made to complete service;

7 (ii) The petitioner files an affidavit stating that the petitioner
8 believes that the respondent is hiding from the server to avoid
9 service. The petitioner's affidavit must state the reasons for the
10 belief that the respondent is avoiding service;

11 (iii) The server has deposited a copy of the summons, in
12 substantially the form prescribed in (c) of this subsection, notice of
13 hearing, and the ex parte order of protection in the post office,
14 directed to the respondent at the respondent's last known address,
15 unless the server states that the server does not know the respondent's
16 address; and

17 (iv) The court finds reasonable grounds exist to believe that the
18 respondent is concealing himself or herself to avoid service, and that
19 further attempts to personally serve the respondent would be futile or
20 unduly burdensome.

21 (b) The court shall reissue the ex parte temporary protection order
22 not to exceed another twenty-four days from the date of reissuing the
23 ex parte temporary protection order and order to provide service by
24 publication.

25 (c) The publication shall be made in a newspaper of general
26 circulation in the county where the petition was brought and in the
27 county of the last known address of the respondent once a week for
28 three consecutive weeks. The newspaper selected must be one of the
29 three most widely circulated papers in the county. The publication of
30 summons shall not be made until the court orders service by publication
31 under this section. Service of the summons shall be considered
32 complete when the publication has been made for three consecutive
33 weeks. The summons must be signed by the petitioner. The summons
34 shall contain the date of the first publication, and shall require the
35 respondent upon whom service by publication is desired, to appear and
36 answer the petition on the date set for the hearing. The summons shall
37 also contain a brief statement of the reason for the petition and a

1 summary of the provisions under the ex parte temporary protection
2 order. The summons shall be essentially in the following form:
3

4 In the court of the state of Washington for
5 the county of

6, Petitioner
7 vs. No.
8, Respondent

9 The state of Washington to (respondent):

10 You are hereby summoned to appear on the ... day
11 of, 20..., at ... a.m./p.m., and respond to the
12 petition. If you fail to respond, a sexual assault protection
13 order will be issued against you pursuant to chapter 7.--
14 RCW (sections 1 through 15 of this act), for a minimum of
15 one year from the date you are required to appear. A
16 temporary order of protection has been issued against you,
17 restraining you from the following: (Insert a brief statement
18 of the provisions of the ex parte order). A copy of the
19 petition, notice of hearing, and ex parte order has been filed
20 with the clerk of this court.

21
22 Petitioner

23 (2)(a) In circumstances justifying service by publication under
24 subsection (1) of this section, if the serving party files an affidavit
25 stating facts from which the court determines that service by mail is
26 just as likely to give actual notice as service by publication and that
27 the serving party is unable to afford the cost of service by
28 publication, the court may order that service be made by mail. Such
29 service shall be made by any person over eighteen years of age, who is
30 competent to be a witness, other than a party, by mailing copies of the
31 order and other process to the party to be served at his or her last
32 known address or any other address determined by the court to be
33 appropriate. Two copies shall be mailed, postage prepaid, one by
34 ordinary first class mail and the other by a form of mail requiring a
35 signed receipt showing when and to whom it was delivered. The
36 envelopes must bear the return address of the sender.

1 (b) Proof of service under this subsection shall be consistent with
2 court rules for civil proceedings.

3 (c) Service under this subsection may be used in the same manner
4 and shall have the same jurisdictional effect as service by publication
5 for purposes of this chapter. Service shall be deemed complete upon
6 the mailing of two copies as prescribed in this subsection.

7 NEW SECTION. **Sec. 15.** Upon application with notice to all parties
8 and after a hearing, the court may modify the terms of an existing
9 sexual assault protection order. In any situation where an order is
10 terminated or modified before its expiration date, the clerk of the
11 court shall forward on or before the next judicial day a true copy of
12 the modified order or the termination order to the appropriate law
13 enforcement agency specified in the modified or termination order.
14 Upon receipt of the order, the law enforcement agency shall promptly
15 enter it in the law enforcement information system.

16 **Sec. 16.** RCW 9.41.300 and 2004 c 116 s 1 and 2004 c 16 s 1 are
17 each reenacted and amended to read as follows:

18 (1) It is unlawful for any person to enter the following places
19 when he or she knowingly possesses or knowingly has under his or her
20 control a weapon:

21 (a) The restricted access areas of a jail, or of a law enforcement
22 facility, or any place used for the confinement of a person (i)
23 arrested for, charged with, or convicted of an offense, (ii) held for
24 extradition or as a material witness, or (iii) otherwise confined
25 pursuant to an order of a court, except an order under chapter 13.32A
26 or 13.34 RCW. Restricted access areas do not include common areas of
27 egress or ingress open to the general public;

28 (b) Those areas in any building which are used in connection with
29 court proceedings, including courtrooms, jury rooms, judge's chambers,
30 offices and areas used to conduct court business, waiting areas, and
31 corridors adjacent to areas used in connection with court proceedings.
32 The restricted areas do not include common areas of ingress and egress
33 to the building that is used in connection with court proceedings, when
34 it is possible to protect court areas without restricting ingress and
35 egress to the building. The restricted areas shall be the minimum
36 necessary to fulfill the objective of this subsection (1)(b).

1 In addition, the local legislative authority shall provide either
2 a stationary locked box sufficient in size for pistols and key to a
3 weapon owner for weapon storage, or shall designate an official to
4 receive weapons for safekeeping, during the owner's visit to restricted
5 areas of the building. The locked box or designated official shall be
6 located within the same building used in connection with court
7 proceedings. The local legislative authority shall be liable for any
8 negligence causing damage to or loss of a weapon either placed in a
9 locked box or left with an official during the owner's visit to
10 restricted areas of the building.

11 The local judicial authority shall designate and clearly mark those
12 areas where weapons are prohibited, and shall post notices at each
13 entrance to the building of the prohibition against weapons in the
14 restricted areas;

15 (c) The restricted access areas of a public mental health facility
16 certified by the department of social and health services for inpatient
17 hospital care and state institutions for the care of the mentally ill,
18 excluding those facilities solely for evaluation and treatment.
19 Restricted access areas do not include common areas of egress and
20 ingress open to the general public;

21 (d) That portion of an establishment classified by the state liquor
22 control board as off-limits to persons under twenty-one years of age;
23 or

24 (e) The restricted access areas of a commercial service airport
25 designated in the airport security plan approved by the federal
26 transportation security administration, including passenger screening
27 checkpoints at or beyond the point at which a passenger initiates the
28 screening process. These areas do not include airport drives, general
29 parking areas and walkways, and shops and areas of the terminal that
30 are outside the screening checkpoints and that are normally open to
31 unscreened passengers or visitors to the airport. Any restricted
32 access area shall be clearly indicated by prominent signs indicating
33 that firearms and other weapons are prohibited in the area.

34 (2) Cities, towns, counties, and other municipalities may enact
35 laws and ordinances:

36 (a) Restricting the discharge of firearms in any portion of their
37 respective jurisdictions where there is a reasonable likelihood that
38 humans, domestic animals, or property will be jeopardized. Such laws

1 and ordinances shall not abridge the right of the individual guaranteed
2 by Article I, section 24 of the state Constitution to bear arms in
3 defense of self or others; and

4 (b) Restricting the possession of firearms in any stadium or
5 convention center, operated by a city, town, county, or other
6 municipality, except that such restrictions shall not apply to:

7 (i) Any pistol in the possession of a person licensed under RCW
8 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

9 (ii) Any showing, demonstration, or lecture involving the
10 exhibition of firearms.

11 (3)(a) Cities, towns, and counties may enact ordinances restricting
12 the areas in their respective jurisdictions in which firearms may be
13 sold, but, except as provided in (b) of this subsection, a business
14 selling firearms may not be treated more restrictively than other
15 businesses located within the same zone. An ordinance requiring the
16 cessation of business within a zone shall not have a shorter
17 grandfather period for businesses selling firearms than for any other
18 businesses within the zone.

19 (b) Cities, towns, and counties may restrict the location of a
20 business selling firearms to not less than five hundred feet from
21 primary or secondary school grounds, if the business has a storefront,
22 has hours during which it is open for business, and posts
23 advertisements or signs observable to passersby that firearms are
24 available for sale. A business selling firearms that exists as of the
25 date a restriction is enacted under this subsection (3)(b) shall be
26 grandfathered according to existing law.

27 (4) Violations of local ordinances adopted under subsection (2) of
28 this section must have the same penalty as provided for by state law.

29 (5) The perimeter of the premises of any specific location covered
30 by subsection (1) of this section shall be posted at reasonable
31 intervals to alert the public as to the existence of any law
32 restricting the possession of firearms on the premises.

33 (6) Subsection (1) of this section does not apply to:

34 (a) A person engaged in military activities sponsored by the
35 federal or state governments, while engaged in official duties;

36 (b) Law enforcement personnel, except that subsection (1)(b) of
37 this section does apply to a law enforcement officer who is present at
38 a courthouse building as a party to an action under chapter 7.--

1 (sections 1 through 15 of this act), 10.14, 10.99, or 26.50 RCW, or an
2 action under Title 26 RCW where any party has alleged the existence of
3 domestic violence as defined in RCW 26.50.010; or

4 (c) Security personnel while engaged in official duties.

5 (7) Subsection (1)(a) of this section does not apply to a person
6 licensed pursuant to RCW 9.41.070 who, upon entering the place or
7 facility, directly and promptly proceeds to the administrator of the
8 facility or the administrator's designee and obtains written permission
9 to possess the firearm while on the premises or checks his or her
10 firearm. The person may reclaim the firearms upon leaving but must
11 immediately and directly depart from the place or facility.

12 (8) Subsection (1)(c) of this section does not apply to any
13 administrator or employee of the facility or to any person who, upon
14 entering the place or facility, directly and promptly proceeds to the
15 administrator of the facility or the administrator's designee and
16 obtains written permission to possess the firearm while on the
17 premises.

18 (9) Subsection (1)(d) of this section does not apply to the
19 proprietor of the premises or his or her employees while engaged in
20 their employment.

21 (10) Any person violating subsection (1) of this section is guilty
22 of a gross misdemeanor.

23 (11) "Weapon" as used in this section means any firearm, explosive
24 as defined in RCW 70.74.010, or instrument or weapon listed in RCW
25 9.41.250.

26 **Sec. 17.** RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read
27 as follows:

28 As used in this chapter, "harassment" may include but is not
29 limited to any of the following crimes:

- 30 (1) Harassment (RCW 9A.46.020);
- 31 (2) Malicious harassment (RCW 9A.36.080);
- 32 (3) Telephone harassment (RCW 9.61.230);
- 33 (4) Assault in the first degree (RCW 9A.36.011);
- 34 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 35 (6) Assault in the second degree (RCW 9A.36.021);
- 36 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 37 (8) Assault in the fourth degree (RCW 9A.36.041);

- 1 (9) Reckless endangerment (RCW 9A.36.050);
2 (10) Extortion in the first degree (RCW 9A.56.120);
3 (11) Extortion in the second degree (RCW 9A.56.130);
4 (12) Coercion (RCW 9A.36.070);
5 (13) Burglary in the first degree (RCW 9A.52.020);
6 (14) Burglary in the second degree (RCW 9A.52.030);
7 (15) Criminal trespass in the first degree (RCW 9A.52.070);
8 (16) Criminal trespass in the second degree (RCW 9A.52.080);
9 (17) Malicious mischief in the first degree (RCW 9A.48.070);
10 (18) Malicious mischief in the second degree (RCW 9A.48.080);
11 (19) Malicious mischief in the third degree (RCW 9A.48.090);
12 (20) Kidnapping in the first degree (RCW 9A.40.020);
13 (21) Kidnapping in the second degree (RCW 9A.40.030);
14 (22) Unlawful imprisonment (RCW 9A.40.040);
15 (23) Rape in the first degree (RCW 9A.44.040);
16 (24) Rape in the second degree (RCW 9A.44.050);
17 (25) Rape in the third degree (RCW 9A.44.060);
18 (26) Indecent liberties (RCW 9A.44.100);
19 (27) Rape of a child in the first degree (RCW 9A.44.073);
20 (28) Rape of a child in the second degree (RCW 9A.44.076);
21 (29) Rape of a child in the third degree (RCW 9A.44.079);
22 (30) Child molestation in the first degree (RCW 9A.44.083);
23 (31) Child molestation in the second degree (RCW 9A.44.086);
24 (32) Child molestation in the third degree (RCW 9A.44.089);
25 (33) Stalking (RCW 9A.46.110);
26 (34) Cyberstalking (RCW 9.61.260);
27 (35) Residential burglary (RCW 9A.52.025);
28 (36) Violation of a temporary ~~((or))~~, permanent, or final
29 protective order issued pursuant to chapter 7.-- (sections 1 through 15
30 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
31 (37) Unlawful discharge of a laser in the first degree (RCW
32 9A.49.020); and
33 (38) Unlawful discharge of a laser in the second degree (RCW
34 9A.49.030).

35 **Sec. 18.** RCW 10.14.130 and 1987 c 280 s 13 are each amended to
36 read as follows:

1 Protection orders authorized under this chapter shall not be issued
2 for any action specifically covered by chapter 7.-- (sections 1 through
3 15 of this act), 10.99, or 26.50 RCW.

4 **Sec. 19.** RCW 10.31.100 and 2000 c 119 s 4 are each amended to read
5 as follows:

6 A police officer having probable cause to believe that a person has
7 committed or is committing a felony shall have the authority to arrest
8 the person without a warrant. A police officer may arrest a person
9 without a warrant for committing a misdemeanor or gross misdemeanor
10 only when the offense is committed in the presence of the officer,
11 except as provided in subsections (1) through (10) of this section.

12 (1) Any police officer having probable cause to believe that a
13 person has committed or is committing a misdemeanor or gross
14 misdemeanor, involving physical harm or threats of harm to any person
15 or property or the unlawful taking of property or involving the use or
16 possession of cannabis, or involving the acquisition, possession, or
17 consumption of alcohol by a person under the age of twenty-one years
18 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
19 or 9A.52.080, shall have the authority to arrest the person.

20 (2) A police officer shall arrest and take into custody, pending
21 release on bail, personal recognizance, or court order, a person
22 without a warrant when the officer has probable cause to believe that:

23 (a) An order has been issued of which the person has knowledge
24 under RCW 26.44.063, or chapter 7.-- (sections 1 through 15 of this
25 act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the
26 person and the person has violated the terms of the order restraining
27 the person from acts or threats of violence, or restraining the person
28 from going onto the grounds of or entering a residence, workplace,
29 school, or day care, or prohibiting the person from knowingly coming
30 within, or knowingly remaining within, a specified distance of a
31 location or, in the case of an order issued under RCW 26.44.063,
32 imposing any other restrictions or conditions upon the person; or

33 (b) A foreign protection order, as defined in RCW 26.52.010, has
34 been issued of which the person under restraint has knowledge and the
35 person under restraint has violated a provision of the foreign
36 protection order prohibiting the person under restraint from contacting
37 or communicating with another person, or excluding the person under

1 restraint from a residence, workplace, school, or day care, or
2 prohibiting the person from knowingly coming within, or knowingly
3 remaining within, a specified distance of a location, or a violation of
4 any provision for which the foreign protection order specifically
5 indicates that a violation will be a crime; or

6 (c) The person is sixteen years or older and within the preceding
7 four hours has assaulted a family or household member as defined in RCW
8 10.99.020 and the officer believes: (i) A felonious assault has
9 occurred; (ii) an assault has occurred which has resulted in bodily
10 injury to the victim, whether the injury is observable by the
11 responding officer or not; or (iii) that any physical action has
12 occurred which was intended to cause another person reasonably to fear
13 imminent serious bodily injury or death. Bodily injury means physical
14 pain, illness, or an impairment of physical condition. When the
15 officer has probable cause to believe that family or household members
16 have assaulted each other, the officer is not required to arrest both
17 persons. The officer shall arrest the person whom the officer believes
18 to be the primary physical aggressor. In making this determination,
19 the officer shall make every reasonable effort to consider: (i) The
20 intent to protect victims of domestic violence under RCW 10.99.010;
21 (ii) the comparative extent of injuries inflicted or serious threats
22 creating fear of physical injury; and (iii) the history of domestic
23 violence between the persons involved.

24 (3) Any police officer having probable cause to believe that a
25 person has committed or is committing a violation of any of the
26 following traffic laws shall have the authority to arrest the person:

27 (a) RCW 46.52.010, relating to duty on striking an unattended car
28 or other property;

29 (b) RCW 46.52.020, relating to duty in case of injury to or death
30 of a person or damage to an attended vehicle;

31 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
32 racing of vehicles;

33 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
34 influence of intoxicating liquor or drugs;

35 (e) RCW 46.20.342, relating to driving a motor vehicle while
36 operator's license is suspended or revoked;

37 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
38 negligent manner.

1 (4) A law enforcement officer investigating at the scene of a motor
2 vehicle accident may arrest the driver of a motor vehicle involved in
3 the accident if the officer has probable cause to believe that the
4 driver has committed in connection with the accident a violation of any
5 traffic law or regulation.

6 (5) Any police officer having probable cause to believe that a
7 person has committed or is committing a violation of RCW 79A.60.040
8 shall have the authority to arrest the person.

9 (6) An officer may act upon the request of a law enforcement
10 officer in whose presence a traffic infraction was committed, to stop,
11 detain, arrest, or issue a notice of traffic infraction to the driver
12 who is believed to have committed the infraction. The request by the
13 witnessing officer shall give an officer the authority to take
14 appropriate action under the laws of the state of Washington.

15 (7) Any police officer having probable cause to believe that a
16 person has committed or is committing any act of indecent exposure, as
17 defined in RCW 9A.88.010, may arrest the person.

18 (8) A police officer may arrest and take into custody, pending
19 release on bail, personal recognizance, or court order, a person
20 without a warrant when the officer has probable cause to believe that
21 an order has been issued of which the person has knowledge under
22 chapter 10.14 RCW and the person has violated the terms of that order.

23 (9) Any police officer having probable cause to believe that a
24 person has, within twenty-four hours of the alleged violation,
25 committed a violation of RCW 9A.50.020 may arrest such person.

26 (10) A police officer having probable cause to believe that a
27 person illegally possesses or illegally has possessed a firearm or
28 other dangerous weapon on private or public elementary or secondary
29 school premises shall have the authority to arrest the person.

30 For purposes of this subsection, the term "firearm" has the meaning
31 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
32 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

33 (11) Except as specifically provided in subsections (2), (3), (4),
34 and (6) of this section, nothing in this section extends or otherwise
35 affects the powers of arrest prescribed in Title 46 RCW.

36 (12) No police officer may be held criminally or civilly liable for
37 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
38 officer acts in good faith and without malice.

1 **Sec. 20.** RCW 19.220.010 and 2003 c 268 s 1 are each amended to
2 read as follows:

3 (1) Each international matchmaking organization doing business in
4 Washington state shall disseminate to a recruit, upon request, state
5 background check information and personal history information relating
6 to any Washington state resident about whom any information is provided
7 to the recruit, in the recruit's native language. The organization
8 shall notify all recruits that background check and personal history
9 information is available upon request. The notice that background
10 check and personal history information is available upon request shall
11 be in the recruit's native language and shall be displayed in a manner
12 that separates it from other information, is highly noticeable, and in
13 lettering not less than one-quarter of an inch high.

14 (2) If an international matchmaking organization receives a request
15 for information from a recruit pursuant to subsection (1) of this
16 section, the organization shall notify the Washington state resident of
17 the request. Upon receiving notification, the Washington state
18 resident shall obtain from the state patrol and provide to the
19 organization the complete transcript of any background check
20 information provided pursuant to RCW 43.43.760 based on a submission of
21 fingerprint impressions and provided pursuant to RCW 43.43.838 and
22 shall provide to the organization his or her personal history
23 information. The organization shall require the resident to affirm
24 that personal history information is complete and accurate. The
25 organization shall refrain from knowingly providing any further
26 services to the recruit or the Washington state resident in regards to
27 facilitating future interaction between the recruit and the Washington
28 state resident until the organization has obtained the requested
29 information and provided it to the recruit.

30 (3) This section does not apply to a traditional matchmaking
31 organization of a religious nature that otherwise operates in
32 compliance with the laws of the countries of the recruits of such
33 organization and the laws of the United States nor to any organization
34 that does not charge a fee to any party for the service provided.

35 (4) As used in this section:

36 (a) "International matchmaking organization" means a corporation,
37 partnership, business, or other legal entity, whether or not organized
38 under the laws of the United States or any state, that does business in

1 the United States and for profit offers to Washington state residents,
2 including aliens lawfully admitted for permanent residence and residing
3 in Washington state, dating, matrimonial, or social referral services
4 involving citizens of a foreign country or countries who are not
5 residing in the United States, by: (i) An exchange of names, telephone
6 numbers, addresses, or statistics; (ii) selection of photographs; or
7 (iii) a social environment provided by the organization in a country
8 other than the United States.

9 (b) "Personal history information" means a declaration of the
10 person's current marital status, the number of previous marriages,
11 annulments, and dissolutions for the person, and whether any previous
12 marriages occurred as a result of receiving services from an
13 international matchmaking organization; founded allegations of child
14 abuse or neglect; and any existing orders under chapter 7.-- (sections
15 1 through 15 of this act), 10.14, 10.99, or 26.50 RCW. Personal
16 history information shall include information from the state of
17 Washington and any information from other states or countries.

18 (c) "Recruit" means a noncitizen, nonresident person, recruited by
19 an international matchmaking organization for the purpose of providing
20 dating, matrimonial, or social referral services.

21 **Sec. 21.** RCW 26.50.035 and 2005 c 282 s 40 are each amended to
22 read as follows:

23 (1) The administrative office of the courts shall develop and
24 prepare instructions and informational brochures required under RCW
25 26.50.030(4), standard petition and order for protection forms, and a
26 court staff handbook on domestic violence and the protection order
27 process. The standard petition and order for protection forms must be
28 used after September 1, 1994, for all petitions filed and orders issued
29 under this chapter. The instructions, brochures, forms, and handbook
30 shall be prepared in consultation with interested persons, including a
31 representative of the state domestic violence coalition, judges, and
32 law enforcement personnel.

33 (a) The instructions shall be designed to assist petitioners in
34 completing the petition, and shall include a sample of standard
35 petition and order for protection forms.

36 (b) The informational brochure shall describe the use of and the
37 process for obtaining, modifying, and terminating a domestic violence

1 protection order as provided under this chapter, a sexual assault
2 protection order as provided in chapter 7.-- RCW (sections 1 through 15
3 of this act), an antiharassment no-contact order as provided under
4 chapter 9A.46 RCW, a domestic violence no-contact order as provided
5 under chapter 10.99 RCW, a restraining order as provided under chapters
6 26.09, 26.10, 26.26, and 26.44 RCW, an antiharassment protection order
7 as provided by chapter 10.14 RCW, and a foreign protection order as
8 defined in chapter 26.52 RCW.

9 (c) The order for protection form shall include, in a conspicuous
10 location, notice of criminal penalties resulting from violation of the
11 order, and the following statement: "You can be arrested even if the
12 person or persons who obtained the order invite or allow you to violate
13 the order's prohibitions. The respondent has the sole responsibility
14 to avoid or refrain from violating the order's provisions. Only the
15 court can change the order upon written application."

16 (d) The court staff handbook shall allow for the addition of a
17 community resource list by the court clerk.

18 (2) All court clerks shall obtain a community resource list from a
19 domestic violence program, defined in RCW 70.123.020, serving the
20 county in which the court is located. The community resource list
21 shall include the names and telephone numbers of domestic violence
22 programs serving the community in which the court is located, including
23 law enforcement agencies, domestic violence agencies, sexual assault
24 agencies, legal assistance programs, interpreters, multicultural
25 programs, and batterers' treatment programs. The court shall make the
26 community resource list available as part of or in addition to the
27 informational brochures described in subsection (1) of this section.

28 (3) The administrative office of the courts shall distribute a
29 master copy of the petition and order forms, instructions, and
30 informational brochures to all court clerks and shall distribute a
31 master copy of the petition and order forms to all superior, district,
32 and municipal courts.

33 (4) For purposes of this section, "court clerks" means court
34 administrators in courts of limited jurisdiction and elected court
35 clerks.

36 (5) The administrative office of the courts shall determine the
37 significant non-English-speaking or limited English-speaking
38 populations in the state. The administrator shall then arrange for

1 translation of the instructions and informational brochures required by
2 this section, which shall contain a sample of the standard petition and
3 order for protection forms, into the languages spoken by those
4 significant non-English-speaking populations and shall distribute a
5 master copy of the translated instructions and informational brochures
6 to all court clerks by January 1, 1997.

7 (6) The administrative office of the courts shall update the
8 instructions, brochures, standard petition and order for protection
9 forms, and court staff handbook when changes in the law make an update
10 necessary.

11 **Sec. 22.** RCW 26.50.110 and 2000 c 119 s 24 are each amended to
12 read as follows:

13 (1) Whenever an order is granted under this chapter, chapter 7.--
14 (sections 1 through 15 of this act), 10.99, 26.09, 26.10, 26.26, or
15 74.34 RCW, or there is a valid foreign protection order as defined in
16 RCW 26.52.020, and the respondent or person to be restrained knows of
17 the order, a violation of the restraint provisions, or of a provision
18 excluding the person from a residence, workplace, school, or day care,
19 or of a provision prohibiting a person from knowingly coming within, or
20 knowingly remaining within, a specified distance of a location, or of
21 a provision of a foreign protection order specifically indicating that
22 a violation will be a crime, for which an arrest is required under RCW
23 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in
24 subsections (4) and (5) of this section. Upon conviction, and in
25 addition to any other penalties provided by law, the court may require
26 that the respondent submit to electronic monitoring. The court shall
27 specify who shall provide the electronic monitoring services, and the
28 terms under which the monitoring shall be performed. The order also
29 may include a requirement that the respondent pay the costs of the
30 monitoring. The court shall consider the ability of the convicted
31 person to pay for electronic monitoring.

32 (2) A peace officer shall arrest without a warrant and take into
33 custody a person whom the peace officer has probable cause to believe
34 has violated an order issued under this chapter, chapter 7.-- (sections
35 1 through 15 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or
36 a valid foreign protection order as defined in RCW 26.52.020, that
37 restrains the person or excludes the person from a residence,

1 workplace, school, or day care, or prohibits the person from knowingly
2 coming within, or knowingly remaining within, a specified distance of
3 a location, if the person restrained knows of the order. Presence of
4 the order in the law enforcement computer-based criminal intelligence
5 information system is not the only means of establishing knowledge of
6 the order.

7 (3) A violation of an order issued under this chapter, chapter 7.--
8 (sections 1 through 15 of this act), 10.99, 26.09, 26.10, 26.26, or
9 74.34 RCW, or of a valid foreign protection order as defined in RCW
10 26.52.020, shall also constitute contempt of court, and is subject to
11 the penalties prescribed by law.

12 (4) Any assault that is a violation of an order issued under this
13 chapter, chapter 7.-- (sections 1 through 15 of this act), 10.99,
14 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection
15 order as defined in RCW 26.52.020, and that does not amount to assault
16 in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a
17 class C felony, and any conduct in violation of such an order that is
18 reckless and creates a substantial risk of death or serious physical
19 injury to another person is a class C felony.

20 (5) A violation of a court order issued under this chapter, chapter
21 7.-- (sections 1 through 15 of this act), 10.99, 26.09, 26.10, 26.26,
22 or 74.34 RCW, or of a valid foreign protection order as defined in RCW
23 26.52.020, is a class C felony if the offender has at least two
24 previous convictions for violating the provisions of an order issued
25 under this chapter, chapter 7.-- (sections 1 through 15 of this act),
26 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
27 order as defined in RCW 26.52.020. The previous convictions may
28 involve the same victim or other victims specifically protected by the
29 orders the offender violated.

30 (6) Upon the filing of an affidavit by the petitioner or any peace
31 officer alleging that the respondent has violated an order granted
32 under this chapter, chapter 7.-- (sections 1 through 15 of this act),
33 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
34 order as defined in RCW 26.52.020, the court may issue an order to the
35 respondent, requiring the respondent to appear and show cause within
36 fourteen days why the respondent should not be found in contempt of
37 court and punished accordingly. The hearing may be held in the court

1 of any county or municipality in which the petitioner or respondent
2 temporarily or permanently resides at the time of the alleged
3 violation.

4 **Sec. 23.** RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are
5 each reenacted and amended to read as follows:

6 To prevent the issuance of competing protection orders in different
7 courts and to give courts needed information for issuance of orders,
8 the judicial information system shall be available in each district,
9 municipal, and superior court by July 1, 1997, and shall include a data
10 base containing the following information:

11 (1) The names of the parties and the cause number for every order
12 of protection issued under this title, every sexual assault protection
13 order issued under chapter 7.-- RCW (sections 1 through 15 of this
14 act), every criminal no-contact order issued under chapters 9A.46 and
15 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW,
16 every dissolution action under chapter 26.09 RCW, every third-party
17 custody action under chapter 26.10 RCW, every parentage action under
18 chapter 26.26 RCW, every restraining order issued on behalf of an
19 abused child or adult dependent person under chapter 26.44 RCW, every
20 foreign protection order filed under chapter 26.52 RCW, and every order
21 for protection of a vulnerable adult under chapter 74.34 RCW. When a
22 guardian or the department of social and health services has petitioned
23 for relief on behalf of an abused child, adult dependent person, or
24 vulnerable adult, the name of the person on whose behalf relief was
25 sought shall be included in the data base as a party rather than the
26 guardian or department;

27 (2) A criminal history of the parties; and

28 (3) Other relevant information necessary to assist courts in
29 issuing orders under this chapter as determined by the judicial
30 information system committee.

31 **Sec. 24.** RCW 59.18.575 and 2004 c 17 s 3 are each amended to read
32 as follows:

33 (1)(a) If a tenant notifies the landlord in writing that he or she
34 or a household member was a victim of an act that constitutes a crime
35 of domestic violence, sexual assault, or stalking, and either (a)(i) or

1 (ii) of this subsection applies, then subsection (2) of this section
2 applies:

3 (i) The tenant or the household member has a valid order for
4 protection under one or more of the following: Chapter 7.-- (sections
5 1 through 15 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040,
6 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

7 (ii) The tenant or the household member has reported the domestic
8 violence, sexual assault, or stalking to a qualified third party acting
9 in his or her official capacity and the qualified third party has
10 provided the tenant or the household member a written record of the
11 report signed by the qualified third party.

12 (b) When a copy of a valid order for protection or a written record
13 of a report signed by a qualified third party, as required under (a) of
14 this subsection, is made available to the landlord, the tenant may
15 terminate the rental agreement and quit the premises without further
16 obligation under the rental agreement or under chapter 59.12 RCW.
17 However, the request to terminate the rental agreement must occur
18 within ninety days of the reported act, event, or circumstance that
19 gave rise to the protective order or report to a qualified third party.
20 A record of the report to a qualified third party that is provided to
21 the tenant or household member shall consist of a document signed and
22 dated by the qualified third party stating: (i) That the tenant or the
23 household member notified him or her that he or she was a victim of an
24 act or acts that constitute a crime of domestic violence, sexual
25 assault, or stalking; (ii) the time and date the act or acts occurred;
26 (iii) the location where the act or acts occurred; (iv) a brief
27 description of the act or acts of domestic violence, sexual assault, or
28 stalking; and (v) that the tenant or household member informed him or
29 her of the name of the alleged perpetrator of the act or acts. The
30 record of the report provided to the tenant or household member shall
31 not include the name of the alleged perpetrator of the act or acts of
32 domestic violence, sexual assault, or stalking. The qualified third
33 party shall keep a copy of the record of the report and shall note on
34 the retained copy the name of the alleged perpetrator of the act or
35 acts of domestic violence, sexual assault, or stalking. The record of
36 the report to a qualified third party may be accomplished by completion
37 of a form provided by the qualified third party, in substantially the
38 following form:

1

2 [Name of organization, agency, clinic, professional service provider]

3 I and/or my (household member) am/is a victim of
4 ... domestic violence as defined by RCW 26.50.010.
5 ... sexual assault as defined by RCW 70.125.030.
6 ... stalking as defined by RCW 9A.46.110.

7 Briefly describe the incident of domestic violence, sexual assault, or stalking:
8

9 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the
10 following location(s):

11 The incident(s) that I rely on in support of this declaration were committed by the following person(s):
12

13 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

14 Dated at (city) ., Washington, this ... day of, 20 ..

15
16 Signature of Tenant or
17 Household Member

18 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and
19 that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and
20 that the individual informed me of the name of the alleged perpetrator of the act.

21 Dated this ... day of, 20 ..

22
23 Signature of authorized
24 officer/employee of
25 (Organization, agency,
26 clinic, professional
27 service provider)

28 (2) A tenant who terminates a rental agreement under this section
29 is discharged from the payment of rent for any period following the
30 last day of the month of the quitting date. The tenant shall remain
31 liable for the rent for the month in which he or she terminated the
32 rental agreement unless the termination is in accordance with RCW
33 59.18.200(1). Notwithstanding lease provisions that allow for
34 forfeiture of a deposit for early termination, a tenant who terminates
35 under this section is entitled to the return of the full deposit,
36 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties
37 to the rental agreement, except household members who are the victims

1 of sexual assault, stalking, or domestic violence, are not released
2 from their obligations under the rental agreement or other obligations
3 under this chapter.

4 (3) The provision of verification of a report under subsection
5 (1)(b) of this section does not waive the confidential or privileged
6 nature of the communication between a victim of domestic violence,
7 sexual assault, or stalking with a qualified third party pursuant to
8 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
9 obtained from such disclosure may be used in any civil, administrative,
10 or criminal proceeding against the victim unless a written waiver of
11 applicable evidentiary privilege is obtained, except that the
12 verification itself, and no other privileged information, under
13 subsection (1)(b) of this section may be used in civil proceedings
14 brought under this section.

15 NEW SECTION. **Sec. 25.** For the purposes of issuing a sexual
16 assault protection order, deciding what remedies should be included in
17 the order, and enforcing the order, RCW 9A.08.020 shall govern whether
18 the respondent is legally accountable for the conduct of another
19 person.

20 **Sec. 26.** RCW 10.31.100 and 2000 c 119 s 4 are each amended to read
21 as follows:

22 A police officer having probable cause to believe that a person has
23 committed or is committing a felony shall have the authority to arrest
24 the person without a warrant. A police officer may arrest a person
25 without a warrant for committing a misdemeanor or gross misdemeanor
26 only when the offense is committed in the presence of the officer,
27 except as provided in subsections (1) through (10) of this section.

28 (1) Any police officer having probable cause to believe that a
29 person has committed or is committing a misdemeanor or gross
30 misdemeanor, involving physical harm or threats of harm to any person
31 or property or the unlawful taking of property or involving the use or
32 possession of cannabis, or involving the acquisition, possession, or
33 consumption of alcohol by a person under the age of twenty-one years
34 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
35 or 9A.52.080, shall have the authority to arrest the person.

1 (2) A police officer shall arrest and take into custody, pending
2 release on bail, personal recognizance, or court order, a person
3 without a warrant when the officer has probable cause to believe that:

4 (a) An order has been issued of which the person has knowledge
5 under RCW 26.44.063, or chapter 7.-- (sections 1 through 15 of this
6 act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the
7 person and the person has violated the terms of the order restraining
8 the person from acts or threats of violence, or restraining the person
9 from going onto the grounds of or entering a residence, workplace,
10 school, or day care, or prohibiting the person from knowingly coming
11 within, or knowingly remaining within, a specified distance of a
12 location or, in the case of an order issued under RCW 26.44.063,
13 imposing any other restrictions or conditions upon the person; or

14 (b) A foreign protection order, as defined in RCW 26.52.010, has
15 been issued of which the person under restraint has knowledge and the
16 person under restraint has violated a provision of the foreign
17 protection order prohibiting the person under restraint from contacting
18 or communicating with another person, or excluding the person under
19 restraint from a residence, workplace, school, or day care, or
20 prohibiting the person from knowingly coming within, or knowingly
21 remaining within, a specified distance of a location, or a violation of
22 any provision for which the foreign protection order specifically
23 indicates that a violation will be a crime; or

24 (c) The person is sixteen years or older and within the preceding
25 four hours has assaulted a family or household member as defined in RCW
26 10.99.020 and the officer believes: (i) A felonious assault has
27 occurred; (ii) an assault has occurred which has resulted in bodily
28 injury to the victim, whether the injury is observable by the
29 responding officer or not; or (iii) that any physical action has
30 occurred which was intended to cause another person reasonably to fear
31 imminent serious bodily injury or death. Bodily injury means physical
32 pain, illness, or an impairment of physical condition. When the
33 officer has probable cause to believe that family or household members
34 have assaulted each other, the officer is not required to arrest both
35 persons. The officer shall arrest the person whom the officer believes
36 to be the primary physical aggressor. In making this determination,
37 the officer shall make every reasonable effort to consider: (i) The
38 intent to protect victims of domestic violence under RCW 10.99.010;

1 (ii) the comparative extent of injuries inflicted or serious threats
2 creating fear of physical injury; and (iii) the history of domestic
3 violence between the persons involved.

4 (3) Any police officer having probable cause to believe that a
5 person has committed or is committing a violation of any of the
6 following traffic laws shall have the authority to arrest the person:

7 (a) RCW 46.52.010, relating to duty on striking an unattended car
8 or other property;

9 (b) RCW 46.52.020, relating to duty in case of injury to or death
10 of a person or damage to an attended vehicle;

11 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
12 racing of vehicles;

13 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
14 influence of intoxicating liquor or drugs;

15 (e) RCW 46.20.342, relating to driving a motor vehicle while
16 operator's license is suspended or revoked;

17 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
18 negligent manner.

19 (4) A law enforcement officer investigating at the scene of a motor
20 vehicle accident may arrest the driver of a motor vehicle involved in
21 the accident if the officer has probable cause to believe that the
22 driver has committed in connection with the accident a violation of any
23 traffic law or regulation.

24 (5) Any police officer having probable cause to believe that a
25 person has committed or is committing a violation of RCW 79A.60.040
26 shall have the authority to arrest the person.

27 (6) An officer may act upon the request of a law enforcement
28 officer in whose presence a traffic infraction was committed, to stop,
29 detain, arrest, or issue a notice of traffic infraction to the driver
30 who is believed to have committed the infraction. The request by the
31 witnessing officer shall give an officer the authority to take
32 appropriate action under the laws of the state of Washington.

33 (7) Any police officer having probable cause to believe that a
34 person has committed or is committing any act of indecent exposure, as
35 defined in RCW 9A.88.010, may arrest the person.

36 (8) A police officer may arrest and take into custody, pending
37 release on bail, personal recognizance, or court order, a person

1 without a warrant when the officer has probable cause to believe that
2 an order has been issued of which the person has knowledge under
3 chapter 10.14 RCW and the person has violated the terms of that order.

4 (9) Any police officer having probable cause to believe that a
5 person has, within twenty-four hours of the alleged violation,
6 committed a violation of RCW 9A.50.020 may arrest such person.

7 (10) A police officer having probable cause to believe that a
8 person illegally possesses or illegally has possessed a firearm or
9 other dangerous weapon on private or public elementary or secondary
10 school premises shall have the authority to arrest the person.

11 For purposes of this subsection, the term "firearm" has the meaning
12 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
13 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

14 (11) Except as specifically provided in subsections (2), (3), (4),
15 and (6) of this section, nothing in this section extends or otherwise
16 affects the powers of arrest prescribed in Title 46 RCW.

17 (12) No police officer may be held criminally or civilly liable for
18 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
19 officer acts in good faith and without malice.

20 NEW SECTION. **Sec. 27.** This act may be cited as the sexual assault
21 protection order act.

22 NEW SECTION. **Sec. 28.** Sections 1 through 15 of this act
23 constitute a new chapter in Title 7 RCW.

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